

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

BRITTANIE SKAGGS,)	
)	
Plaintiff,)	
)	
vs.)	4:15-cv-00118-RLY-DML
)	
GORDON FOOD SERVICE INC., d/b/a)	
GORDON FOOD SERVICE; GORDON)	
FOOD SERVICE USA INC., d/b/a)	
GORDON FOOD SERVICE; GORDON)	
FOOD SERVICE LLC, d/b/a GORDON)	
FOOD SERVICE; and GORDON FOOD)	
SERVICES INC., d/b/a GORDON FOOD)	
SERVICE,)	
)	
Defendants.)	

**ORDER ON THE MAGISTRATE JUDGE’S
REPORT AND RECOMMENDATION**

Plaintiff, Brittanie Skaggs, filed this personal injury action against Defendants, Gordon Food Service, Inc. (“GFS Inc.”), Gordon Food Service USA, Inc. (“GFS USA”), Gordon Food Service, LLC (“GFS LLC”), and Gordon Food Services, Inc. (“GFSS Inc.”), in the Clark Circuit Court. Plaintiff alleges that she was injured after tripping over a milk crate that a “Gordon Food Service” employee left in a walkway at her place of employment. GFS Inc. and GFS LLC (the “Removing Defendants”) removed the action to this court on the basis of diversity jurisdiction.


Plaintiff moved to remand the case back to state court pursuant to 28 U.S.C. § 1447(c) on the grounds that complete diversity does not exist. The Removing Defendants opposed the motion, and then subsequently moved to drop GFS USA and GFSS Inc. as

parties pursuant to Federal Rule of Civil Procedure 21. When Plaintiff failed to respond to that motion, the Removing Defendants moved for a summary ruling pursuant to Local Rule 7-1(c)(4).

The court referred these three motions to the Magistrate Judge, who issued her Report and Recommendation. The Magistrate Judge recommends that this court: (1) deny Plaintiff's Motion to Remand; (2) dismiss GFS USA and GFSS Inc. as parties to the action; (3) grant the Removing Defendants' Motion to Drop Defendants; and (4) deny as moot the Removing Defendants' Motion for Summary Ruling. No party objects. Consequently, the court reviews the Report and Recommendation for clear error. *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999). After reviewing the record, the Report and Recommendation, and the relevant case law, this court is satisfied that the Magistrate Judge did not commit clear error.

Therefore, the court **ADOPTS** the Magistrate Judge's Report and Recommendation (Filing No. 33). Plaintiff's Motion to Remand (Filing No. 20) is **DENIED**. The Removing Defendants' Motion to Drop Defendants (Filing No. 30) is **GRANTED**, and their Motion for Summary Ruling (Filing No. 32) is **DENIED AS MOOT**. Gordon Food Service USA, Inc. and Gordon Food Services, Inc. are hereby **DROPPED** from this suit.

SO ORDERED this 21st day of April 2016



RICHARD L. YOUNG, CHIEF JUDGE
United States District Court
Southern District of Indiana

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